

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

1.	SHELBY ROE,)	
)	
	Plaintiff,)	
)	
v.)	Case No.: 15-cv-558-JHP-PJC
)	
1.	SAFECO INSURANCE COMPANY OF)	Jury Trial Demanded
	AMERICA; and)	
2.	HARCO NATIONAL INSURANCE)	
	COMPANY,)	
)	
	Defendants.)	

NOTICE OF REMOVAL

Pursuant to Title 28 U.S.C. §§§ 1332, 1441 and 1446, Defendant, Harco National Insurance Company, by and through undersigned counsel, hereby removes this civil action from the District Court of Rogers County, Oklahoma, where it is currently pending as Case No. CJ-2015-313, to the United States District Court for the Northern District of Oklahoma, and in support of this removal, states the following:

1. On August 24, 2015, Plaintiff filed suit in the District Court of Rogers County, State of Oklahoma in an action styled *Shelby Roe v. Safeco Insurance Company of America and Harco National Insurance Company*. Defendant, Safeco Insurance Company of America (“Safeco”), has not yet been served with Summons and the Petition in this action. Safeco is, however, represented by Harry Parrish of Franden, Farris, Quillin, Goodnight, & Roberts, who has advised Harco National Insurance Company’s (“Harco”) counsel that Safeco consents to the removal of this action. Harco filed its Waiver of Summons and Acceptance of Service in the Rogers County action on September 30, 2015. The following is a complete list of the process, pleadings, and orders that have been served and/or filed in State Court action, and are attached hereto:

- a. Petition;
- b. Entry of Appearance-Dan S. Folluo for Harco;
- c. Entry of Appearance-Katherine R. Morelli for Harco;
- d. Waiver of Summons and Acceptance of Service-Harco.

See Exhibit 1.

A copy of the docket sheet for the action pending Rogers County District Court, Oklahoma is also attached. *See* Exhibit 2.

2. This Court has jurisdiction over this case and removal is proper pursuant to 28 U.S.C. § 1332, 1441. This case arises from alleged breaches of Defendants' respective insurance contracts. In the Petition, Plaintiff alleges damages as a result of these alleged breaches in an amount in excess of \$75,000.00 as set forth in 28 U.S.C. § 1332, exclusive of costs, interest and attorney fees. *See* Exhibit 1.

3. Defendants Safeco and Harco are both foreign corporations. Defendant Safeco is incorporated in the State of New Hampshire and has its principal place of business in the State of Massachusetts. Defendant Harco is incorporated in the State of Illinois and has its principal place of business in the State of North Carolina. Plaintiff, Shelby Roe, is a citizen of the State of Oklahoma. Thus, true diversity is present, and requirements for removal are fully met pursuant to 28 U.S.C. § 1332 and LCvR 81.2.

4. This Notice of Removal is being filed within thirty (30) days after Defendant Harco filed its Waiver of Summons and Acceptance of Service on September 30, 2015 respectively, and less than one (1) year after the commencement of Plaintiff's action on August 24, 2015. Thus, removal of the state court action to this Court is timely and satisfies the requirement of 28 USC § 1446(b)(c).

5. Defendant Harco requests this removal. Although Defendant Safeco has not been served, counsel for Defendant Harco has conferred with counsel for Defendant Safeco, and Safeco consents to the removal of this action.

6. Contemporaneously with the filing of this Notice of Removal, Defendant is providing written notice of filing to Plaintiff and the District Court of Rogers County, State of Oklahoma. *See* Notice of Removal Action to Federal Court attached as Exhibit 3.

7. Defendant, Harco National Insurance Company hereby demands jury trial on all issues triable of right by jury pursuant to FED.R.CIV.P 38(b) and LCvR 81.1.

WHEREFORE, Defendant, Harco National Insurance Company removes the State Court Action to the United States District Court for the Northern District of Oklahoma.

Respectfully submitted,

By /s/ Dan S. Folluo
DAN S. FOLLUO, OBA# 11303
dfolluo@rhodesokla.com
KATHERINE R. MORELLI, OBA # 30181
kmorelli@rhodesokla.com
RHODES, HIERONYMUS, JONES,
TUCKER & GABLE
P.O. Box 21100
Tulsa, Oklahoma 74121-1100
(918) 582-1173
(918) 592-3390 Facsimile
ATTORNEYS FOR DEFENDANT
HARCO NATIONAL INSURANCE COMPANY

CERTIFICATE OF SERVICE

I hereby certify that on the October 1, 2015, I electronically transmitted the foregoing document to the Clerk of the Court using the Court's ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

Attorney for Plaintiffs:

Mark S. Stanley
1516 South Boston Ave., Suite 116
Tulsa, Oklahoma 74119

mstanley@csmlaw.us

/s/ Dan S. Folluo

IN THE DISTRICT COURT OF ROGERS COUNTY
STATE OF OKLAHOMA

FILED IN THE DISTRICT COURT
ROGERS COUNTY OKLAHOMA

AUG 24 2015

SHELBY ROE,

Plaintiff,

SAFECO INSURANCE COMPANY
OF AMERICA,
HARCO NATIONAL INSURANCE
COMPANY

Defendants.

Case No.

CJ-2015-313

KIM HENRY


PETITION

COMES NOW the Plaintiff, Shelby Roe, by and through here attorney of record, Mark Stanley of Stanley and Myers, and for her cause of action against the Defendant, alleges and states as follows, to wit:


1. That at all times hereinafter mentioned the Plaintiff was and is a resident of Rogers County, State of Oklahoma.
2. That at all time hereinafter mentioned the Defendant Safeco Insurance Company of America is an insurance company doing business in the state of Oklahoma.
3. That at all time hereinafter mentioned the Defendant Harco National Insurance Company is an insurance company doing business in the State of Oklahoma.
4. That this action arises out of contracts presented into Rogers County, State of Oklahoma. This court has jurisdiction of the parties hereto and the subject matter hereof.
5. That the Plaintiff purchased an uninsured motorist police from the Defendant Safeco Insurance Company of America.

EXHIBIT

1

6. That the Plaintiff was a passenger in a vehicle that Defendant Harco National Insurance Company provided a motor vehicle police with underinsured motorist coverage therein.
7. That thereafter the Plaintiff sustained injuries in an automobile collision resulting in an uninsured motorist claim.
8. That the Defendants have breached the uninsured motorist policies herein.
9. That Defendant Harco National Insurance Company breached its duty to apportion benefits to Plaintiff.

WHEREFORE PREMISES CONSIDERED, Plaintiff prays that she have any recover a judgment against the Defendant in an amount exceeding the jurisdictional amount as set forth in 28 U.S.C. § 1332 together with interests, costs, reasonable attorney's fees, and punitive damages.



Mark S. Stanley, OBA#11528
1516 South Boston Avenue, Suite 116
Tulsa, OK 74119
Office: (918) 584-2450
Facsimile: (918) 584-2430
Attorney for the Plaintiff

FILED IN THE DISTRICT COURT
ROGERS COUNTY OKLAHOMA

IN THE DISTRICT COURT OF ROGERS COUNTY
STATE OF OKLAHOMA

SEP 30 2015

KIM HENRY, COURT CLERK

DEPUTY

SHELBY ROE, individually,

Plaintiffs,

v.

SAFECO INSURANCE COMPANY OF
AMERICA; and HARCO NATIONAL
INSURANCE COMPANY,

Defendants.

Case No. CJ-2015-313


ENTRY OF APPEARANCE

COMES NOW Dan S. Folluo of the firm Rhodes, Hieronymus, Jones, Tucker, & Gable PC enters his appearance as counsel of record for the Defendant, Harco National Insurance Company, pursuant to Title 12 O.S. § 2005.2(a).

Dated this 30th day of September, 2015.

Respectfully submitted,

By



DAN S. FOLLUO, OBA# 11303
dfolluo@rhodesokla.com

KATHERINE R. MORELLI, OBA# 30181
kmorelli@rhodesokla.com

RHODES, HIERONYMUS, JONES,
TUCKER & GABLE

P.O. Box 21100

Tulsa, Oklahoma 74121-1100

(918) 582-1173

(918) 592-3390 Facsimile

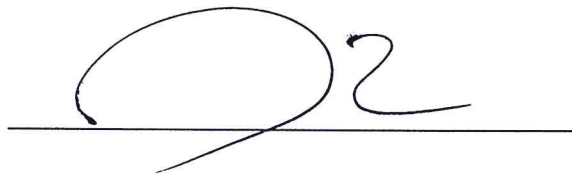
ATTORNEYS FOR DEFENDANT

HARCO NATIONAL INSURANCE COMPANY

CERTIFICATE OF SERVICE

I hereby certify that on the 30 day of September, 2015, I mailed a copy of the above and foregoing documents to the following, with postage prepaid thereon:

Mark S. Stanley
1516 South Boston Ave., Suite 116
Tulsa, Oklahoma 74119

A handwritten signature in black ink, appearing to be "MS", is written over a horizontal line.

FILED IN THE DISTRICT COURT
ROGERS COUNTY OKLAHOMA

IN THE DISTRICT COURT OF ROGERS COUNTY
STATE OF OKLAHOMA

SEP 30 2015

SHELBY ROE, individually,

Plaintiffs,

v.

SAFECO INSURANCE COMPANY OF
AMERICA; and HARCO NATIONAL
INSURANCE COMPANY,

Defendants.

KIM HENRY, COURT CLERK

DEPUTY

Case No. CJ-2015-313

ENTRY OF APPEARANCE

COMES NOW Katherine R. Morelli of the firm Rhodes, Hieronymus, Jones, Tucker, & Gable PC enters her appearance as counsel of record for the Defendant, Harco National Insurance Company, pursuant to Title 12 O.S. § 2005.2(a).

Dated this 30th day of September, 2015.

Respectfully submitted,

By

Katherine R. Morelli

DAN S. FOLLUO, OBA# 11303

dfolluo@rhodesokla.com

KATHERINE R. MORELLI, OBA# 30181

kmorelli@rhodesokla.com

RHODES, HIERONYMUS, JONES,
TUCKER & GABLE

P.O. Box 21100

Tulsa, Oklahoma 74121-1100

(918) 582-1173

(918) 592-3390 Facsimile

ATTORNEYS FOR DEFENDANT

HARCO NATIONAL INSURANCE COMPANY

CERTIFICATE OF SERVICE

I hereby certify that on the 30th day of September, 2015, I mailed a copy of the above and foregoing documents to the following, with postage prepaid thereon:

Mark S. Stanley
1516 South Boston Ave., Suite 116
Tulsa, Oklahoma 74119

Vatherine R. Howell.

FILED IN THE DISTRICT COURT
ROGERS COUNTY OKLAHOMA

IN THE DISTRICT COURT OF ROGERS COUNTY
STATE OF OKLAHOMA

SEP 30 2015

SHELBY ROE, individually,

Plaintiffs,

v.

SAFECO INSURANCE COMPANY OF
AMERICA; and HARCO NATIONAL
INSURANCE COMPANY,

Defendants.

KIM HENRY, COURT CLERK

DEPUTY

Case No. CJ-2015-313

WAIVER OF SUMMONS AND ACCEPTANCE OF SERVICE

COMES NOW Defendant, Harco National Insurance Company, by and through its attorneys, Dan S. Folluo and Katherine R. Morelli of the firm Rhodes, Hieronymus, Jones, Tucker, & Gable PC and hereby waives service of Summons and accepts service of the Petition on behalf of Defendant, Harco National Insurance Company.

Dated this 30th day of September, 2015.

Respectfully submitted,

By



DAN S. FOLLUO, OBA# 11303

dfolluo@rhodesokla.com

KATHERINE R. MORELLI, OBA# 30181

kmorelli@rhodesokla.com

RHODES, HIERONYMUS, JONES,

TUCKER & GABLE

P.O. Box 21100

Tulsa, Oklahoma 74121-1100

(918) 582-1173

(918) 592-3390 Facsimile

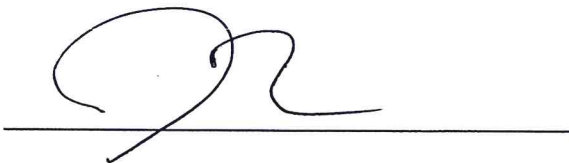
ATTORNEYS FOR DEFENDANT

HARCO NATIONAL INSURANCE COMPANY

CERTIFICATE OF SERVICE

I hereby certify that on the 3 day of September, 2015, I mailed a copy of the above and foregoing documents to the following, with postage prepaid thereon:

Mark S. Stanley
1516 South Boston Ave., Suite 116
Tulsa, Oklahoma 74119





OKLAHOMA State Courts Network

The information on this page is NOT an official record. Do not rely on the correctness or completeness of this information. Verify all information with the official record keeper. The information contained in this report is provided in compliance with the Oklahoma Open Records Act, 51 O.S. 24A.1. Use of this information is governed by this act, as well as other applicable state and federal laws.

IN THE DISTRICT COURT IN AND FOR ROGERS COUNTY, OKLAHOMA

Shelby Roe,
Plaintiff,

v.

Safeco Insurance Company of America,
Defendant,

Harco National Insurance Company,
Defendant.

No. CJ-2015-313

**(Civil relief more than \$10,000: AUTO
NEGLIGENCE)**

Filed: 08/24/2015

Judge: Condren, Sheila A.

PARTIES

Harco National Insurance Company, Defendant

Roe, Shelby, Plaintiff

Safeco Insurance Company of America, Defendant

ATTORNEYS

Attorney

Folluo, Dan S (Bar #11303)
P.O. BOX 21100
TULSA, OK 74121

Morelli, Katherine R (Bar #30181)
Tucker and Gable
P.O. Box 21100
Tulsa, OK 74121

Stanley, Mark S. (Bar #11528)
1516 South Boston Avenue
Suite 116
Tulsa, OK 74119

Represented Parties

Harco National Insurance Company,

Safeco Insurance Company of America,

Roe, Shelby

EXHIBIT

2

EVENTS

None



ISSUES

For cases filed before 1/1/2000, ancillary issues may not appear except in the docket.

Issue # 1. Issue: AUTO NEGLIGENCE (AUTONEG)
Filed By: Roe, Shelby
Filed Date: 08/24/2015

Party Name	Disposition Information
	Pending.

DOCKET

Date	Code	Description	Count	Party	Amount
08-24-2015	TEXT	CIVIL RELIEF MORE THAN \$10,000 INITIAL FILING. Document Available at Court Clerk's Office	1		
08-24-2015	AUTONEG	AUTO NEGLIGENCE			
08-24-2015	DMFE	DISPUTE MEDIATION FEE			\$ 2.00
08-24-2015	PFE1	PETITION Document Available (#1030806795)  TIFF  PDF			\$ 163.00
08-24-2015	PFE7	LAW LIBRARY FEE			\$ 6.00
08-24-2015	OCISR	OKLAHOMA COURT INFORMATION SYSTEM REVOLVING FUND			\$ 25.00
08-24-2015	CCADMIN02	COURT CLERK ADMINISTRATIVE FEE ON \$2 COLLECTIONS			\$ 0.20
08-24-2015	OCJC	OKLAHOMA COUNCIL ON JUDICIAL COMPLAINTS REVOLVING FUND			\$ 2.00
08-24-2015	OCASA	OKLAHOMA COURT APPOINTED SPECIAL ADVOCATES			\$ 5.00
08-24-2015	CCADMIN04	COURT CLERK ADMINISTRATIVE FEE ON COLLECTIONS			\$ 0.50
08-24-2015	LTF	LENGTHY TRIAL FUND			\$ 10.00
08-24-2015	TEXT	OCIS HAS AUTOMATICALLY ASSIGNED JUDGE CONDREN, SHEILA A. TO THIS CASE.			

Date	Code	Description	Count	Party	Amount
08-24-2015	ACCOUNT	RECEIPT # 2015-470027 ON 08/24/2015. PAYOR:CARPENTER STANLEY & MYERS PLLC TOTAL AMOUNT PAID: \$213.70. LINE ITEMS: CJ-2015-313: \$163.00 ON AC01 CLERK FEES. CJ-2015-313: \$6.00 ON AC23 LAW LIBRARY FEE. CJ-2015-313: \$0.70 ON AC31 COURT CLERK REVOLVING FUND. CJ-2015-313: \$5.00 ON AC58 OKLAHOMA COURT APPOINTED SPECIAL ADVOCATES. CJ-2015-313: \$2.00 ON AC59 COUNCIL ON JUDICIAL COMPLAINTS REVOLVING FUND. CJ-2015-313: \$2.00 ON AC64 DISPUTE MEDIATION FEES. CJ-2015-313: \$25.00 ON AC79 OCIS REVOLVING FUND. CJ-2015-313: \$10.00 ON AC81 LENGTHY TRIAL FUND.			
09-04-2015	SMF	SUMMONS FEE (CLERKS FEE)			\$ 10.00
09-04-2015	SMIP	SUMMONS ISSUED - PRIVATE PROCESS SERVER(2)			
09-04-2015	ACCOUNT	RECEIPT # 2015-471147 ON 09/04/2015. PAYOR:CARPENTER STANLEY MYERS TOTAL AMOUNT PAID: \$10.00. LINE ITEMS: CJ-2015-313: \$10.00 ON AC01 CLERK FEES.			
09-30-2015	EAA	ENTRY OF APPEARANCE			
09-30-2015	EAA	ENTRY OF APPEARANCE			
09-30-2015	WA	WAIVER OF SUMMONS AND ACCEPTANCE OF SERVICE			

IN THE DISTRICT COURT OF ROGERS COUNTY
STATE OF OKLAHOMA

SHELBY ROE, individually,

Plaintiffs,

v.

SAFECO INSURANCE COMPANY OF
AMERICA; and HARCO NATIONAL
INSURANCE COMPANY,

Defendants.

Case No. CJ-2015-313

NOTICE OF REMOVAL OF ACTION TO FEDERAL COURT

COMES NOW Defendant, Harco National Insurance Company, and pursuant to Title 28 U.S.C., § 1446(d), hereby gives notice of the filing of a Notice of Removal removing this action from this Court to the United States District Court for the Northern District of Oklahoma. A copy of Defendant's Notice of Removal, filed in federal court is attached hereto as Exhibit 1.

No further action needs to be taken by this Court, other than forwarding a complete copy of the record of this action to the United States District Court, unless and until this action is remanded to this Court. *See* 28 U.S.C. § 1446(d).

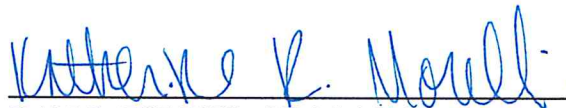
Dated this 1st day of October, 2015.

EXHIBIT

3

Respectfully submitted,

By



DAN S. FOLLUO, OBA# 11303

dfolluo@rhodesokla.com

KATHERINE R. MORELLI, OBA# 30181

kmorelli@rhodesokla.com

RHODES, HIERONYMUS, JONES,

TUCKER & GABLE

P.O. Box 21100

Tulsa, Oklahoma 74121-1100

(918) 582-1173

(918) 592-3390 Facsimile

ATTORNEYS FOR DEFENDANT

HARCO NATIONAL INSURANCE COMPANY

CERTIFICATE OF SERVICE

I hereby certify that on the 1st day of October, 2015, I mailed a copy of the above and foregoing documents to the following, with postage prepaid thereon:

Mark S. Stanley
1516 South Boston Ave., Suite 116
Tulsa, Oklahoma 74119

